

United States District Court

EASTERN

DISTRICT OF

VIRGINIA

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

MICHAEL PAUL KRUGER

UNDER SEAL

CASE NUMBER: 3:09MJ656

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about September 2008 through on or about June 2009 and specifically on June 8, 2009, in the Eastern District of Virginia defendant did,

Transfer Obscene Material to a Minor and to Attempt to Entice a Minor Online.

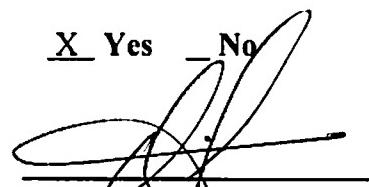
in violation of Title 18 United States Code, Section(s) 1470 and 2242(b) I further state that I am a Special Agent with the Federal Bureau of Investigation ("FBI") in Richmond, Virginia and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof.

X Yes

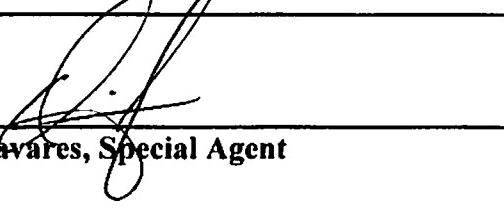
\_ No

  
\_\_\_\_\_  
Signature of Complainant

Sworn to before me, and subscribed in my presence

12 22 2009

Date

  
Odette Tavares, Special Agent

/s/

Dennis W. Dohnal  
United States Magistrate Judge

**AFFIDAVIT FOR CRIMINAL COMPLAINT AND ARREST WARRANT**

**I. INTRODUCTION**

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI) assigned to the Richmond Division. I graduated from the FBI Academy in June 2005. During my tenure at the Academy, I received legal instruction and formal training on a variety of criminal investigations including white-collar crime, cyber crime, international terrorism, and domestic terrorism. I am currently assigned to investigate cyber crimes in the geographic areas covered by the Richmond Division. In my capacity as an investigator, I primarily investigate crimes that involve the on-line sexual exploitation of children.

2. As part of my duties as an FBI agent, I investigate criminal violations relating to child exploitation and child pornography including violations pertaining to the illegal production, distribution, receipt, and possession of child pornography in violation of federal law. I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review numerous examples of child pornography (as defined in Title 18, United States Code (U.S.C.), § 2256) in all forms of media including computer media. I have also completed formal FBI training for the investigation and enforcement of federal child pornography laws in which computers are used as the means for receiving, transmitting, and storing child pornography.

3. I make this affidavit in support of a criminal complaint and an application for an arrest warrant for MICHAEL PAUL KRUGER, DOB: xx/xx/1979; SSN \*\*\*-\*\*-8064, currently being housed at Missouri Department of Corrections, Boonville Correctional Center, 1216 East Morgan Street, Boonville, Missouri, for violations of Title 18, United States Code, Section 1470

as more fully described in this affidavit. The statements contained in this affidavit are based upon my experience and background as a Special Agent of the Federal Bureau of Investigation, as well as information provided by to me by other law enforcement personnel. Because this affidavit is being submitted for the limited purpose of obtaining a criminal complaint and arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set for only the facts that I believe are necessary to establish probable cause to believe that Michael Paul Kruger has committed a violation of Title 18 United States Code, Section 1470.

## **II. Relevant Statutes**

4. This investigation concerns alleged violations of Title 18, United States Code (U.S.C.) §1470, Transfer of Obscene Material to Minors, which prohibits the use of the mail or any facility or means of interstate or foreign commerce to knowingly transfer obscene matter to another individual who has not attained the age of 16 years, knowing that such other individual has not attained the age of 16 years, or to attempts to do so; and 18 United States Code §2422(b), Enticement of a Minor, which prohibits the use of any facility or means of interstate or foreign commerce to persuade, entice, or coerce a minor to engage in sexual activity, or attempts to do so.

## **III. Definitions**

The following definitions apply to this affidavit:

5. “**Child Pornography**” includes the definition in 18 U.S.C. § 2256(8) (any visual depiction of sexually explicit conduct where (a) the production of the visual depiction involved the use of a minor engaged in sexually explicit conduct, (b) the visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of

a minor engaged in sexually explicit conduct, or (c) the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaged in sexually explicit conduct).

6.     **“Visual depictions”** include undeveloped film and videotape, and data stored on computer disk or by electronic means, which is capable of conversion into a visual image. See 18 U.S.C. § 2256(5).

7.     **“Minor”** means any person under the age of eighteen years. See 18 U.S.C. § 2256(1).

8.     **“Sexually explicit conduct”** means actual or simulated (a) sexual intercourse, including genital-genital, oral-genital, or oral-anal, whether between persons of the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic abuse; or (e) lascivious exhibition of the genitals or pubic area of any person. See 18 U.S.C. § 2256(2).

9.     An **“Internet Protocol address,”** also referred to as an **“IP address,”** is a unique numeric address that computers or electronic devices use in order to communicate with each other on a computer network utilizing the Internet Protocol (IP) standard. Every computer or device connected to the Internet is referenced by a unique IP address. An IP address can be thought of as the equivalent to a street address or a phone number, just as each street address and phone number uniquely identifies a building or telephone. IP addresses are composed of four sets of digits known as “octets,” ranging in value from 0-255, separated by decimal points. An example of an IP address is 192.168.10.102. There are two types of IP addresses; static and dynamic. A static address is permanently assigned to a particular device and as a practical matter never changes. A dynamic address provided by an ISP to a client computer is valid only for the duration of the session that the client computer is connected to the Internet (or other network).

#### **IV. Details of the Investigation**

10. As part of an ongoing investigation that targets producers and distributors of child pornography as well as those who travel in interstate commerce to sexually exploit children, your Affiant, acting in an undercover capacity as an eleven year old female, participated in various chat sessions with MICHAEL PAUL KRUGER, who was identified through his screen name, mike kruger, from September 2008 through June 2009, using Yahoo! Instant Messaging. All communications between your Affiant and KRUGER were consensually recorded.

11. On 09/11/2008, during the course of the above-described ongoing investigation, your Affiant did a Google search for pre-teen chats. After clicking on one of the first options, your Affiant, acting in an undercover capacity, entered a pre-teen chat room by entering a screen name. After being provided access to the chat room, your Affiant was contacted by various users. KRUGER was one of the individuals who requested to chat with your Affiant. He requested your Affiant's age, sex, and location. Your affiant told KRUGER that she was 11 years old, female, and resided in Virginia. The remainder of the conversation with KRUGER was sexual in nature, at KRUGER's initiaion. Afterwards, the chat continued through Yahoo! Messenger. During this chat, KRUGER inquired about the Affiant's breast size and whether she had pubic hair.

12. All subsequent chat sessions between KRUGER and your Affiant were sexual in nature at KRUGER's initiation. For example, on 09/16/2008, KRUGER on two occasions asked your Affiant if he could "penetrate" her. When Affiant asked what "penetrate" meant, KRUGER answered: "u know pu tmy thing inside your pussy." He described himself as a 17-year-old male, date of birth 11/03/1992, but later changed it to 03/03/1992. He inquired about traveling to

visit Affiant despite her being eight hours away, so long as she would have sex with him. Furthermore, KRUGER indicated to Affiant that he was viewing pictures sent to him by girls of the same age as your Affiant's undercover persona, and stated, "im looking at pics of girls your age naked to be honest."

13. On another chat on 09/24/2008, KRUGER told your Affiant that when they met he would teach her "how to make a boy happy in bed and let me teach u how to make yourself feel good." He added, "lol can i teach u how to have sex...and give a guy a blow job and how to masturbate." KRUGER also inquired about the size of your Affiant's vagina as he wanted to know how difficult it would be to fit his "penis in there."

14. On 09/25/2008, KRUGER suggested meeting your Affiant in two weeks and wrote the following, "ok can i come over when shes [Affiant's mother] gone then hide in oyur room and when u go to bed we can sleep in your bed together lol...just dont be loud when u have your first orgasm lol ok." He later wrote, "too bad u cant spend a night in a hotel with me instead of your house...we would have a lot more privacy and i dont want your mo to catch me in bed with u."

15. On 09/14/2008, KRUGER sent your Affiant an email from mikekruger08@yahoo.com with a My Yearbook invite. My Yearbook is a free Internet social network service similar to My Space and Facebook. On 10/03/2008, your Affiant received the results of an Administrative Subpoena issued to Yahoo! which indicated the account mikekruger08@yahoo.com was created on 07/26/2008 using IP Address 207.160.166.21, which resolved to a public library.

16. On 10/09/2008, KRUGER informed your Affiant, via various text messages and telephone conversations, that on 10/10/2008, he would be traveling from Missouri to Virginia for

the purpose of having sex with her and advised he would call her upon his arrival to the state of Virginia. However, KRUGER failed to show in Virginia on 10/10/2008, but instead called your Affiant saying he did not have any money to travel to Virginia. No further contact occurred between your Affiant and KRUGER until May 2009.

17. Law enforcement investigation revealed that in 2005, KRUGER attempted to meet a 12 year old female in the state of Texas to have sex with her. On 10/03/2008, Yahoo! provided IP access logs which place KRUGER logging in at a library in Kansans City, Missouri, from 07/26/2008, through 09/19/2008.

18. The phone number KRUGER used to contact your Affiant, (816) XXX-9074, has an area code assigned to Kansas City, Missouri.

19. The check of LEXIS/NEXIS and Missouri State DMV provided the following information about KRUGER:

Name: Michael Paul Kruger

Birth Date: XX/ XX, 1979

Address: Last reported, \*\*\*\* \*\*\*\*\*Road 123, Fulton, MO 65251

Height: 5' 10"

Weight: 155

Race: White

Eyes: Blue

Hair: Black

Tatoos: Left shoulder

Misc: Pending warrant for writing bad checks and not appearing

20. A driver's license picture from the state of Florida was obtained and it matched the picture sent to your Affiant by Kruger via a chat session

21. On 05/19/2009, your Affiant, who had previously added KRUGER to her buddy list, noticed that KRUGER was online and sent him an instant message, "y u not talking to me anymore." After Affiant identified herself, KRUGER responded by asking, "Where have you been" and used your Affiant's undercover persona's name. KRUGER then wrote, "omg how are u ur 12 now arent u lol?"

22. In another chat session on 05/26/2009, KRUGER asked your Affiant to send nude pictures of herself. In return, he said he would send nude pictures of himself to her. During the session he asked your Affiant to call him so she could masturbate on the phone for him. Additionally, KRUGER asked your Affiant if she would let him rub and kiss her in between her legs when he traveled to see her over the summer.

23. On 06/08/2009, during a chat session, KRUGER inquired about the pictures he had asked your Affiant to send. Your Affiant advised she had one but was not content with how she looked in it. KRUGER then informed your Affiant that he "was about to get on cam and get naked...." Subsequently he appeared on the web cam, removed his shorts and was nude from the waist down. KRUGER began to masturbate and when asked what he was doing by your Affiant, KRUGER wrote "jacking off." KRUGER masturbated to the point of ejaculation, after which he told your Affiant, "its called cum baby i just had an orgasm lol." He again asked for "naked" pictures of the Affiant.

## V. Cybertip Reports

24. Additional investigation by the Richmond Division determined that numerous individuals filed Cybertips regarding KRUGER. For example, on 05/08/2009, Cybertip Report 694734 was received by the National Center for Missing and Exploited Children (NCMEC) in which a My Yearbook agent informed "that an adult male was asking women if he can take nude pictures of their kids via instant messenger and private message." KRUGER was identified by My Yearbook. In searching KRUGER's message log, My Yearbook was "able to confirm that the suspect did make inappropriate requests for images of children in conversations with other women." The report lists the victims by name and KRUGER's written request for pictures of their children in the nude.

25. On 05/26/2009, Cybertip Report 693399 was received by NCMEC which reported as follows: Individual (whose identity is being protected) alleged that individual using screen name mikekruger08 began instant messaging her through Yahoo. The person using mikekruger08 asked for descriptions of her children naked, specifically he asked what their private parts looked like. The person using mikekruger08 portrayed himself as a photographer who lived in Texas, and said he had taken pictures of naked children. The individual sent pictures of her children, clothed. The person using mikekruger08 then requested pictures of her children in the nude.

26. On 05/28/2009, the above-mentioned complainant was interviewed by a Special Agent of the FBI in Erath, Louisiana, and she reported the following: The individual alleged that on 05/26/2009, she was contacted via the Internet by an individual using the Yahoo! Messenger

screen name of mikekruger08. During their conversations, KRUGER stated that he was a photographer. KRUGER claimed to have taken modeling photographs of children. KRUGER admitted to have taken pictures of naked children and attempted to convince the individual to allow him to take pictures of her naked.

27. On 05/26/2009, Cybertip Report 693781 was received by NCMEC. The complainant, whose identity is being protected, pasted her chat with individual using screen name mike kruger into the report. During the chat, mike kruger asks the individual if he can ever do anything for her to send nude pictures of her child. The individual explains that she will not allow anyone to take naughty pictures of her daughter. Later in the chat, the individual using screen name mike kruger writes: "me too but i wanna try things with a daughter too and I hope your going to let me when shes older like u say u will."

28. My Yearbook reported the following information on KRUGER's profile:

Suspect known as: Michael Kruger

My Yearbook Profile Name: michael kruger

My Yearbook UserID: 12254068

Date of Birth: 1979-XX-XX

Age : 30

Zip: 64101

City: Addison

State: Texas

School: Eaton Rapids Senior High

E-mail: mikekruger08@yahoo.com

Password: will be kept private for the purpose of the investigation

Date joined My Yearbook: 2008-08-26

## **VI. Administrative Subpoena Results**

29. On 05/22/2009, your Affiant sent Yahoo! an Adminstrative Subpoena for screen name mikekruger08 for subscriber information and IP connection logs. Based on the information received an Administrative Subpoena was sent to Windstream Communications.

30. On 06/03/2009, Windstream Communications responded to the Administrative Subpoena and identified M.B., \*\*\* \*\*\*\*\* Road 1203, Cason, Texas 75636, e-mail address motheroffiveangels@windstream.net, as the owner of the account. The account was on active status.

31. On 06/10/2009, Agents of the Texarkana Resident Agency, FBI Texas Division, identified the presence of children at the address associated with the email address account owner listed in paragraph 30 on \*\*\*\*\* Road 1203, Cason, Texas 75636. Also, through police reports, they identified KRUGER as living at the referenced residence.

32. On 06/03/2009, your Affiant sent Vonage an Administrative Subpoena requesting subscriber information for (903) 767-4055, the phone number provided by KRUGER to your Affian in their aforementioned chats.

33. On 06/09/2009, Vonage responded to the Administrative Subpoena and identified Vonage residential telephone number (903) 767-4055 as belonging to MICHAEL KRUGER, 733 County Road 1203, Cason, Texas 75636. The pay start date on the account was 02/28/2009.

## **VII. Search Warrant at \*\*\* \*\*\*\*\* Road 1203, Cason, Texas 75636**

34. On 07/01/2009, KRUGER was arrested by officers of the Morris County, Texas, Sheriff's Office (MCSO) at his residence located at \*\*\* \*\*\*\*\* Road 1203, Cason, Texas 75636,

on an outstanding warrant from Missouri for violation of parole supervision. On the same day, a Federal search warrant was executed at that address, by FBI Agents and officers of the MCSO. Among the items seized were two laptop computers.

35. On 07/01/2009, after his arrest, KRUGER was interviewed by FBI Agents at the Morris County Jail. After being advised of and waiving his Miranda rights, KRUGER admitted he has a problem with attraction to underage females. He further admitted he used the screen name mikekruger08 and used the computer to contact underage females, including chatting and e-mailing. He also admitted he telephonically contacted underage females. KRUGER further admitted that he asked the underage females for nude pictures and talked with them about sex. KRUGER acknowledged he arranged meetings with underage females but claimed he never followed through with them. He also admitted he viewed child pornography on the Internet and sent and received child pornography over the Internet.

36. Regarding the communications he had with who he believed was an underage female in Richmond, Virginia (your Affiant), KRUGER admitted he communicated with her via text messaging and telephone conversations, and acknowledged that he masturbated in front of a webcam while transmitting it to your Affiant. KRUGER was unaware that the underage female was an undercover FBI Agent but believed she was underage.

37. Further examination of the items seized during the search warrant revealed that Toshiba Satellite laptop, serial number Z8400959Q, had a total of 334 images of potential child pornography. Three of the images were of known victims. The images included urination, bondage and bestiality of prepubescent and postpubescent children.

38. Probable CP images were also located on one of the CD-R's found within KRUGER's backpack. The CD-R with a Walmart emblem contained two images of a prepubescent female, labeled SHY1.JPG and SHY2.JPG.

**VIII. Forensic Interview of the children at \*\*\* \*\*\*\*\* Road 1203, Cason Texas 75636**

39. There were five children residing at the address at which defendant was residing and at which the Federal Search warrant was executed on 07/01/2009, and they were all interviewed. The children will not be referred to by name in order to protect their identity. During the forensic interview of the children, two of the five children disclosed to the interviewer that they had been sexually molested by KRUGER. One of the children said that he/she had witnessed the molestation of the other two children.

**IX. Interview of MICHAEL PAUL KRUGER**

40. On 12/18/2009, Special Agent James Spiropoulos of the Texarkana Resident Agency of the Texas FBI office and your Affiant interviewed KRUGER at the Missouri Department of Corrections, Boonville Correctional Center, 1216 East Morgan Street, Boonville, Missouri. KRUGER is due to be released on 12/28/2009 after the completion of service of sentence for a parole violation. After being advised of and waiving his Miranda rights, KRUGER provided the following information:

KRUGER admitted displaying himself masturbating on a web cam to your Affiant and to other individuals he believed to be underage. His "infatuation" with children started at age eight, when he developed an "obsession" for diapers. In 2003, he went on line to satisfy his curiosity of children. He would ask to meet minors to engage in sex for the "thrill" of it. He would also have phone sex with individuals he believed to be minors

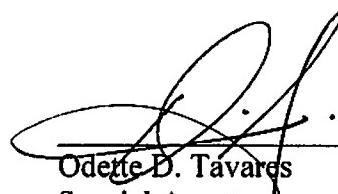
and instructed them to masturbate. His child pornography collection is prepubescent as he is attracted to girls ten years old and younger. KRUGER also admitted to masturbating to child pornography. He would request pictures and videos of child pornography via e-mail and chats.

#### X. Conclusion

41. Based on the above information, probable cause exists to believe MICHAEL PAUL KRUGER has committed violations of Title 18, United States Code, Sections 1470 and 2422(b). Your affiant respectfully requests that a criminal complaint and arrest be issued in the Eastern District of Virginia for MICHAEL PAUL KRUGER, date of birth xx/xx/1979, social security account number xxx-xx-8064.

Reviewed and approved:

  
Elizabeth Wu  
Assistant United States Attorney

  
Odette D. Tavares  
Special Agent  
Federal Bureau of Investigation

Sworn to before me this 22<sup>nd</sup> of December 2009

/s/  
Dennis W. Dohnal  
United States Magistrate Judge